

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of
Streamlining the Commission's Antenna
Structure Clearance Procedure

and

Revision of Part 17 of the Commission's
Rules Concerning Construction, Marking,
and Lighting of Antenna Structures

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WT Docket No. 95-5

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REPLY COMMENTS OF
SOUTHWESTERN BELL MOBILE SYSTEMS, INC.

Southwestern Bell Mobile Systems, Inc. (SBMS) files the following Reply to comments filed in response to the Federal Communications Commission's (Commission's) Notice of Proposed Rulemaking¹ in this proceeding:

I. **ANTENNA STRUCTURE REGISTRATION**

A. **Implementation of the Registration Process should be on a Geographical Basis.**

As SBMS noted in its initial comments, the Commission's proposed registration process should be implemented on a geographical basis.² Other parties commenting on the issue support SBMS' position.³ As Sprint notes, "geographic implementation, using the nine FAA regions, would be the simplest to administer and

¹In the Matter of Streamlining the Commission's Antenna Structure Clearance Procedure and Revision of Part 17 of the Commission's Rules Concerning Construction, Marking and Lighting of Antenna Structures, WT Docket 95-5, Notice of Proposed Rulemaking (Released January 20, 1995). ("NPRM").

²SBMS Comments, pp. 3-4.

³See, i.e. Comments of Sprint Corporation ("Sprint"), p. 2; Comments of Bell Atlantic Mobile Systems, Inc. ("BAMS") p. 2.

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require the least time".⁴ The other proposals, 1) registration by antenna height and 2) implementation upon renewal, will unnecessarily burden the Commission and fail to provide timely relief. Registration by antenna height would cause unnecessary burden on the Commission staff in processing registrations because of the large number of structures which would fall into certain common height structures thus causing gluts of registrations at one time⁵ and would not result in the registrations being grouped in any useful manner.⁶ The proposal would also delay the benefit of establishing a comprehensive data base for all regions until the entire process was accomplished for all tower heights whereas a geographical implementation would allow the benefits to be enjoyed on a region by region basis. Implementation based on license renewal would delay the benefits for 10 years which is simply too long to wait for the comprehensive data base.⁷ Implementation on a geographical basis, using the 9 FAA regions, is the only proposal which will result in an orderly, efficient and timely development of the comprehensive data base.

B. The Commission Needs to Establish a "Safe Harbor" to Encourage the Correction of Discrepancies.

SBMS agrees with the various parties who advocate the establishment of a "safe harbor" or "amnesty" to allow licensees

⁴Sprint, p. 2.

⁵SBMS Comments, p. 3.

⁶BAMS, p. 2.

⁷SBMS, p. 4; BAMS, p. 2.

and/or tower owners to correct discrepancies or errors in site data.⁸ As the Commission recognizes, existing FCC structure data bases "may contain inconsistent information about a single antenna structure because licensees on the structure may have submitted different site coordinates or structure parameters."⁹ As CTIA, Motorola and AT&T note, while there is no doubt that the information was submitted in good faith, there are numerous reasons why the data may be erroneous or conflicting.¹⁰ For example, 1) the original tower owner or licensee may have made an error in coordinates which was then reflected in FCC and FAA files and relied on and carried through by subsequent licensees;¹¹ or 2) site coordinates might have been calculated using a methodology that produced less accurate data than might be available today using recent advances in measuring coordinates¹².

Registrants should be encouraged to provide the most accurate information available regarding site coordinates without having to be concerned about forfeitures¹³, the loss of protected coverage areas,¹⁴ or the filing of "finders preferences".¹⁵ The

⁸ See, Comments of the Cellular Telecommunications Industry Association ("CTIA"), pp. 5-7; Comments of AT&T Corp. ("AT&T"), p. 14; Comments of Motorola ("Motorola"), pp. 14-16.

⁹NPRM, at para. 6.

¹⁰CTIA, p. 5; AT&T, p. 14; Motorola, p. 14.

¹¹Motorola, p. 14; CTIA, p. 5.

¹²CTIA, p. 5, AT&T, p. 14.

¹³See, CTIA, p. 6; Motorola, p. 15.

¹⁴Motorola, p. 15; CTIA, p. 6.

Commission should adopt a "safe harbor" provision absolving owners from any liability or penalty associated with submitting corrected data.

C. Other Issues.

After reviewing the various comments SBMS continues to support the positions set out in SBMS' initial comments. In particular, SBMS still strongly believes:

1. That owners who voluntarily light their structures should be required to register the structure to avoid confusion, provide for an accurate data base and to promote air safety.¹⁶

2. That the location standard should be to the nearest second and to the nearest meter as suggested by the Commission¹⁷--thus necessitating the employment of a Global Positioning System (GPS) or similar survey device to provide such accuracy.¹⁸

3. That FCC Registration should not be required prior to the start of construction¹⁹--FCC notification and FAA determination is sufficient.²⁰

II. CONCLUSION

SBMS continues to support the Commission's efforts to streamline the antenna structure clearance procedures and to

¹⁵Motorola, p. 15.

¹⁶SBMS, p. 5; See also, Sprint, p. 3; Comments of Capital Cities/ABC, Inc., p. 11.

¹⁷NPRM, at para. 11.

¹⁸SBMS, at p. 8; See also, Comments of Industrial Communications & Electronics, Inc. p. 7.

¹⁹NPRM, para. 13.

²⁰SBMS, pp. 4-5; See also, Comments of Alltel Mobile Communications, Inc., pp. 4-5; Comments of American Personal Communications, para. 2.

establish a common data base for antenna structure information and continues to support the modifications suggested in SBMS' initial comments. In addition, SBMS urges the Commission to adopt "safe harbor" provisions to help assure that the data base contains the most accurate information available.

Respectfully submitted,

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April 20, 1995

FCC Docket No. WT 95-5
Certificate of Service

I hereby certify that a true and correct copy of the foregoing Reply Comments will be mailed via first class mail, postage prepaid, to the following party on the 20th day of April, 1995:

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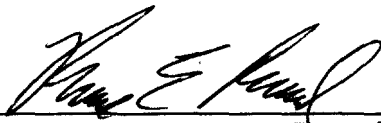
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